



Indiana Supreme Court  
Division of State Court Administration

## Administrative Rule 9

Doyal McLemore  
Staff Attorney  
Division of State Court Administration  
(317) 232-2542  
[dmclemore@courts.state.in.us](mailto:dmclemore@courts.state.in.us)

---

---

---

---

---

---

---

---

### Access to Court Records

- ▶ Rule 9(A)(1)  
Rule 9 Governs Public Access to, and  
Confidentiality of, Court Records

---

---

---

---

---

---

---

---

### Access to Court Records

- ▶ Purposes of the Rule
  - Promote Accessibility
  - Support the Role of the Judiciary
  - Promote Governmental Accountability
  - Contribute to Public Safety
  - Minimize the Risk of Injury to Individuals
  - Protect Individual Privacy

---

---

---

---

---

---

---

---

## Access to Court Records

- ▶ Purposes of the Rule (Cont.)
  - Protect Proprietary Business Information
  - Minimize Reluctance to Use the Court System
  - Make the Most Effective Use of Court Staff
  - Provide Excellent Customer Service
  - Avoid Unduly Burdening the Business of the Judiciary




---

---

---

---

---

---

---

## Who Has Access Under Rule 9

- ▶ All Persons Have Access to Court Records as Provided in this Rule
- ▶ Specified Persons Have Greater Access
  - Court Employees
  - Public Agencies Defined by Statute
  - Governmental Entities That Assist Courts
  - Parties to a Case
  - Attorneys in a Case




---

---

---

---

---

---

---

## General Access Rule

- ▶ Rule 9(D)(1)  
A Court Record is Accessible to the Public Except as Provided in (G) and (H) of the Rule
- ▶ Rule 9(D)(2)  
Rule applies to all Court Records regardless of the manner of creation, method of collection, or form of storage




---

---

---

---

---

---

---

## Court Records Excluded From Access

- ▶ Rule 9(G)(1): Case Records
  - 26 Categories of Excluded Information
  - Examples:
    - All Adoption Records Created After July 8, 1941
    - All Pre-Sentence Reports
    - Personal Information Relating to Jurors
    - Complete Social Security Numbers of Living Persons
    - All Personal Notes and Email of Judges and Court Staff




---

---

---

---

---

---

---

---

## Court Records Excluded from Access

- ▶ Examples (Cont.)
  - All Medical, Mental Health, and Tax Records
  - Records of Grand Jury Proceedings
  - All Paternity Records Created After July 1, 1941
  - Complete Account Numbers of Specific Assets, Loans, Bank Accounts, Credit Cards, and PINs
  - Orders of Expungement in Criminal Cases




---

---

---

---

---

---

---

---

## Court Records Excluded from Access

- ▶ Rule 9(G)(2): Administrative Records
  - 15 Categories of Excluded Information
  - Examples:
    - Work Product of an Attorney
    - Personnel Files of Employees
    - Computer Programs or Codes Entrusted to a Public Agency
    - Records Maintained by the Board of Law Examiners
    - Test Scores of a Person Identified by Name




---

---

---

---

---

---

---

---

## Green Paper Rule

- ▶ Trial Rule 5(G)
  - Every Document Filed in a Case Shall Separately Identify Information Excluded From Public Access
    - A. Whole Documents On Green Paper
    - B. Portions of A Document On Green Paper




---

---

---

---

---

---

---

## Court Proceedings: New Rules

- ▶ Rule 9(1.1)
  - Court Proceedings Closed to the Public
    - A. Information Remains Excluded
- ▶ Rule 9(1.2)
  - Court Proceedings Open to the Public
    - A. Information Not Excluded Without Affirmative Request




---

---

---

---

---

---

---

## Prohibiting Public Access

- ▶ Rule 9(H)
  - Verified Written Request To Prohibit Public Access May be Made by Any Affected Person




---

---

---

---

---

---

---

## Obtaining Public Access

- Rule 9(I)
  - A Verified Written Request to Obtain Access May be Made by Any Person




---

---

---

---

---

---

---

## When Records May be Accessed

- Rule 9(J)
  - Publicly Accessible Records Available at Courthouse during Regular Business Hours
  - Electronic Records Remotely Accessible During Hours Established by the Court




---

---

---

---

---

---

---

## Immunity for Disclosure

- Rule 9(L)
  - Immunity for Unintentional and Unknowing Disclosure of Confidential or Erroneous Information
  - Court, Court Agency, Clerk of Court Employee or Official




---

---

---

---

---

---

---